

PUBLIC LAWS OF THE 106th CONGRESS  
PERTINENT TO THE AUTHORITIES OF THE  
U.S. ARMY CORPS OF ENGINEERS

*PL 106-31*      **Emergency Supplemental Appropriations Act for FY 1999** (H.R. 1141)  
*5/21/99*

Provides \$14.5 billion in emergency supplemental appropriations for FY ending September 30, 1999. Directs the Corps to reprogram \$800K "to perform the preliminary work needed to transfer Federal lands to certain tribes and the State of South Dakota, and to protect invaluable Indian cultural sites, under the **Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act**".

Family Housing, Army (AFH)-- provides an additional \$25 million for the construction and renovation of family housing units at **Fort Buchanan, Puerto Rico**, to remain available until September 30, 2003.

*PL 106-32*      **James River and Kanawha Canal, Richmond, Virginia, Non-navigability**  
*6/1/99*      (H.R. 1034)

Declares the portion of the **James River and the Kanawha Canal** in Richmond, Virginia, located between the Great Ship Lock on the east and the limits of the City of Richmond on the west, to be non-navigable and off-limits to boaters.

Directs the Secretary of Transportation to provide such technical advice, information, and assistance as the City of Richmond or its designee may request to insure that the vessels operating on the waters declared nonnavigable by subsection (a) are built, maintained, and operated in a manner consistent with protecting public safety.

*PL 106-49*      **Construction Industry Payment Protection Act** (H.R. 1219)  
*8/17/99*

Amends the Miller Act (40 U.S.C. 270a(a)(2)), which requires all Federal contractors to provide a payment bond to all subcontractors who supply labor or material. The payment bonds are meant to protect against default or bankruptcy by the contractor. The Act replaces the \$2.5 million payment bond limit (which was regardless of the size of the contract limit) with a requirement for general contractors to obtain payment bonds equal to the total value of the contract, unless the contracting officer awarding the contract makes a written determination supported by specific findings that a payment bond in that amount is impractical, in which case the amount of the payment bond shall be set by the contracting officer.

Also prohibits subcontractors from waiving the right to sue on the payment bond until after the work is completed.

*PL 106-52*      **Military Construction Appropriations Act, 2000** (H.R. 2465)  
*8/17/99*

Military Construction, Army (MCA) -- Provides approximately \$1.042 billion, to remain available until September 30, 2004, "for acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes

of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief.”

Family Housing, Army (AFH) -- Provides over \$1.167 billion “for expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law.” The total includes \$80.7 million for Construction, to remain available until September 30, 2004, and \$1.086 billion for Operation and Maintenance and for debt payment.

Military Construction, Air Force (MCAF) -- Provides over \$777.2 million, to remain available until September 30, 2004, for “acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law.”

*PL 106-53*      **Water Resources Development Act of 1999** (S. 507)  
*8/17/99*

Authorizes construction of 45 projects in 19 states and Puerto Rico, at an estimated cost of \$1.41 billion (Federal) and \$880 million (Non-Federal), for a cost-shared total of \$2.3 billion.

Increases the Federal spending limits for Continuing Authorities relating to flood control, navigation and mitigating damages, and hurricane and storm damage reduction.

Authorizes a **Flood Hazard Mitigation and Riverine Ecosystem Restoration Program** (informally known as Challenge 21), with authorized funding of \$200 million over a five-year period to focus on more sustainable solutions to flooding problems, by examining non-structural solutions in flood-prone areas while retaining traditional measures where appropriate.

Increases the annual program limit for **environmental dredging**, i.e. removing contaminated sediments.

Increases authorization for funding to test **sediment decontamination technologies**.

Directs a comprehensive study of **Great Lakes basin** and the collection, compilation and analysis of information from all sources relevant to the Great Lakes bihydrological system.

Increases the annual authorized funding level for the **Upper Mississippi River Environmental Management Plan** and authorizes a similar environmental protection and enhancement program for the **Missouri and middle Mississippi Rivers**.

Increases authorized appropriations or authorizes new programs for watersheds or environmental restoration for 10 new areas.

Phases in a new cost-sharing formula for **periodic shoreline nourishment**, changing the split from 65 percent Federal and 35 percent non-Federal to a 50:50 cost-share becoming effective on the program carried out after January 1, 2003.

Authorizes and directs 55 project or location-specific studies and several programmatic or regional studies, including studies of cost-sharing for construction, operation and maintenance of deep draft harbors; the **Great Lakes navigation system's** effectiveness; nutrient loading caused by dredged material disposal in the **Chesapeake Bay**; erosion damage to levees and other flood control structures on the **Upper Mississippi and Illinois Rivers**; a plan to address water and related land resource problems in the Upper Mississippi and Illinois River basins; and controlling and managing waterborne debris in the **Susquehanna River Basin, New York, Pennsylvania and Maryland**, and the **upper Chesapeake Bay, Maryland**.

*PL 106-60*      **Energy and Water Development Appropriations Act, 2000** (H.R. 2605)  
*9/29/99*

Appropriates \$21.3 billion in fiscal 2000 spending for energy and water development and nuclear weapons programs, including for Corps Civil, approximately \$162 million for General Investigations, \$1.4 billion for Construction-General; \$1.85 billion for Operation and Maintenance, General; \$117 million for the Regulatory Program; \$150 million for the Formerly Used Sites Remedial Action Program; and \$149.5 million for General Expenses.

National Defense Authorization Act for Fiscal Year 2000 (S. 1059)

Authorizes \$288.8 billion for fiscal 2000 programs of the Department of Defense and national security programs at the Department of Energy. Included are \$56 billion for DOD procurement, \$36.3 billion for DOD Research and Development, and \$104.5 billion for DOD Operations and Maintenance.

Authorizes a 4.8 percent across-the-board pay raise for military personnel and revamps the military pay tables to give annual pay raises of 0.5 percent above the standard annual increase for fiscal years 2001 through 2006.

Provides that military retirees with 20 years of service will be able to boost their retirement pay from 40 to 50 percent of basic pay or accept a \$30,000 bonus after 15 years of service.

Allows military retirees who work for the Federal Government to retain all of their retirement pay.

Directs Secretary of Defense to conduct a study and authorizes removal of ordnance infiltrating the Federal navigation channel and adjacent shorelines of the **Toussaint River in Ottawa County, Ohio.**

**Agricultural Risk Protection Act (H.R. 2559)**

With respect to land and property described in the Flood Mitigation Study and Project Implementation Plan for the Missouri River near **Pierre, South Dakota**, section 258 requires the Secretary of the Army to, as soon as practicable after enactment, begin acquiring land and property from willing sellers; relocate individuals located on the land, improve infrastructure, and take other necessary actions with respect to such property. Winter water releases at the **Oahe Powerplant** are conditioned on the Secretary completing an amendment to his economic analysis and identifying mitigation benefits with respect to existing ground water flooding.

**Technical Corrections to the Water Resources Development Act of 1999**  
(H.R. 2724)

Authorized funding for environmental infrastructure projects at **Jackson County, Mississippi**, and at **Manchester, New Hampshire**, are each increased to \$20 million (from \$10 million); at **Atlanta, Georgia**, is reduced by \$25 million; at **Paterson, New Jersey**, and **Passaic County, New Jersey**, are reduced a total of \$20 million; and at **North Hudson, New Jersey**, \$10 million in funding is transferred to the North Hudson Sewerage Authority.

Consolidated Appropriations Act for FY2000 (H.R. 3194)

Directs the District of Columbia to carry out, through the Army Corps of Engineers, an **Anacostia River environmental cleanup program**; transfers \$5 million for that purpose.

Provides that, in using the funds made available for improvements to specified Federal properties in the **Southwest Waterfront** of the District, any District government entity may place orders for engineering and construction and related services with the Chief of Engineers on a reimbursable and, if applicable, contractual basis.

National Geologic Mapping Reauthorization Act (H.R. 1528)

Reauthorizes the National Geologic Mapping Act of 1992, which established a cooperative program for

geologic mapping among the U.S. Geological Survey (USGS) and State and institutional mapping programs.

Revises requirements for the responsibilities of the USGS with respect to the National Cooperative Geologic Mapping Program, including requiring the 1) development of national priorities (currently, priorities) and standards, 2) development of a five-year strategic plan (currently, an implementation plan), 3) appointment of a new geologic mapping advisory committee, and 4) biennial submission of the report on the development and implementation of the program.

Revises requirements for program components -- 1) including among the objectives of each component determining the geologic framework of areas determined to be vital to environmental welfare, 2) deleting provisions governing a geologic mapping support component and including interdisciplinary studies that add value to geologic mapping under the Federal geologic mapping component's responsibilities, 3) basing mapping priorities for the State geologic mapping component on State requirements for geologic map information in areas of multiple-issue need or of compelling single-issue need and in areas where mapping is required to solve critical earth science problems, 4) prohibiting the Survey and recipients of grants under the State or education component from using more than a specified percentage of the Federal funds made available under such component for any fiscal year to pay indirect, servicing, or program management charges, and 5) limiting to 50 percent the Federal share of the cost of activities under such components for any fiscal year.

Revises provisions regarding the geologic mapping advisory committee, including by requiring such committee to update the five-year strategic plan.

Sets forth requirements for the five-year strategic plan (similar to those for the implementation plan).

Revises the provisions establishing the National geologic-map database by 1) requiring that such database serve as a national catalog and archive, distributed through links to Federal and State geologic map holdings, and 2) providing for such database to include all maps developed under the Federal and education components.

*PL 106-256*      **Oceans Act** (S. 2327)  
8/7/00

Establishes procedures to update the Nation's ocean policies. Sets up a 16-member commission to review Federal ocean policies and, within 18 months after establishing the commission, make recommendations to Congress for any changes. Commission members are to be appointed by the President from a list of individuals nominated by members of both the House and Senate. Eligible individuals include experts representing state and local governments, academia, ocean-related industries and public interest groups. Recommendations must simultaneously 1) suggest more coherent and consistent regulation of ocean and coastal activities; 2) promote responsible stewardship of ocean and coastal resources; and 3) enhance private-sector marine commerce and transportation.

The measure authorizes a total of \$6 million for the commission through fiscal 2003.

*PL 106-377*      **Energy and Water Development Appropriations Act, 2001** (H.R. 5483)  
10/27/00      incorporated by reference in H.R. 4635)

Appropriates \$4.544 billion in fiscal 2001 spending for energy and water development, including for Corps Civil, approximately \$160 million for General Investigations (68 new starts and 4 comprehensive studies), \$1.717 billion for Construction-General (including 52 new starts); \$1.902 billion for Operation and Maintenance, General; \$125 million for the Regulatory Program.

Modifies conduct of the **Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico**, by directing that the Secretary of the Army include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff.

Directs the Secretary of the Army to use \$750,000 of appropriated funds to continue preconstruction engineering and design for the **Murrieta Creek, California**, flood protection and environmental restoration

project in accordance with Alternative 6, based on the Murrieta Creek feasibility report and environmental impact statement dated June 2000.

For **assistance to State and Tribal environmental programs and infrastructure** the VA/HUD/Independent Agencies Appropriations Act, FY01, (also incorporated by reference in H.R. 4635) authorizes the EPA Administrator to “use up to 3 percent of the amount of each project appropriated to administer the management and oversight of construction of such projects through contracts, allocation to the Corps of Engineers, or grants to States.”

*PL 106-390*      **Disaster Mitigation and Cost Reduction Act** (H.R. 707)  
*10/30/00*

Authorizes a Federal pre-disaster mitigation grant program to finance activities that reduce the vulnerability of buildings and other structures to damage from expected natural disasters. Authorizes the establishment of a pre-disaster mitigation program under which Federal Emergency Management Agency (FEMA) may provide grants to State and local governments for activities that substantially reduce the risk of future damages, hardships or suffering from natural disasters.

Authorizes the establishment of a separate National Disaster Mitigation Fund in the U.S. Treasury, from which pre-disaster mitigation grants would be distributed.

Requires the establishment of an interagency task force, chaired by FEMA, to coordinate implementation of all federal pre-disaster hazard-mitigation programs. Requires FEMA to develop “multi-hazard advisory maps” indicating areas with commonly recurring natural disaster hazards (including flooding, hurricanes and severe winds, and seismic events), and which show where such hazards overlap.

Allows States to assume responsibility for administering the mitigation grant program. Requires FEMA to provide public notice, and allow for public comment, on any proposed revisions to disaster assistance programs that would result in a significant reduction of assistance under the program.

*PL 106-457*      **Estuary Habitat Restoration Partnership Act** (S.835)  
*11/7/00*

Title I, **Estuary Habitat Restoration**, establishes an estuary habitat restoration program under which the Secretary of the Army may carry out estuary habitat restoration projects and provide technical assistance. Establishes the Estuary Habitat Restoration Collaborative Council, to be composed of Secretaries or designees from Army, NOAA, EPA, Interior, Agriculture, and any other Federal agency designated by the President to serve as an ex officio member.

Directs the Council to develop an estuary habitat restoration strategy to ensure a comprehensive approach to the selection and prioritization of estuary habitat restoration projects and the coordination of Federal and non-Federal activities related to such restoration. Includes as an eligible estuary the area located in the Great Lakes Biographic Region and designated as a National Estuarine Research Reserve under the Coastal Zone Management Act of 1972.

Sets forth factors to be considered by the Council in determining project assistance eligibility.

Permits the Council to pay up to 25 percent of the cost of interim actions of restoration activity, pending completion of the strategy. Prohibits selection of a project until non-Federal interests have entered into specified written cooperation agreements. Requires such agreements to provide for project maintenance and monitoring.

Requires non-Federal applicants for assistance to demonstrate that a project meets this title's requirements and criteria established by the Council and limits the Federal share of assistance to 65 percent of a project's cost or 100 percent of the incremental cost in a project of pilot testing or innovative technology demonstrations.

Directs the Under Secretary for Oceans and Atmosphere of the Department of Commerce to maintain a database of information on projects funded under this title.

Extends the authorization of appropriations for the National Estuary Program through FY 2002.

Requires the Secretary of the Army to give estuary habitat restoration projects the same consideration as

irrigation, navigation, or flood control projects; establishes such restoration as a primary mission of the Corps of Engineers.

Title II, **Chesapeake Bay Restoration**, directs the Administrator of the Environmental Protection Agency to 1) continue the Chesapeake Bay Program, and 2) maintain a Program Office to provide specified support to the Chesapeake Executive Council.

Authorizes the Administrator to provide technical assistance and assistance grants to nonprofit private organizations and individuals, State and local governments, colleges and universities, and interstate agencies to carry out the Program. Provides the Federal and non-Federal share of various Program costs. Provides for Chesapeake Bay Agreement (an agreement among signatory members to restore and protect the Bay's ecosystem) implementation and monitoring grants, with specified Federal and non-Federal shares.

Requires any Federal agency that owns or operates a facility within the Bay watershed to 1) participate in regional and sub-watershed planning and restoration programs, and 2) report to the President and the Council on expenditures to carry out such programs.

Requires the Administrator to 1) ensure that management plans are developed and that implementation is begun by signatories to the Agreement for the Bay tributaries to achieve specified water nutrient and quality goals and habitat restoration and protection, and 2) offer technical assistance and assistance grants for a small watershed grants program within the Bay.

Requires a five-year study to establish and expand understanding of Bay ecosystem living resources response to water quality improvements resulting from the Program.

Authorizes appropriations for FY 2001 through 2006.

Title III, **Long Island Sound**, extends through FY 2006 the authorization of appropriations for certain conservation and management activities in Long Island Sound, and increases the amounts available for grants for projects and studies to implement the Long Island Sound Comprehensive Conservation and Management Plan.

*PL 106-506*      **Lake Tahoe Restoration Act** (H.R. 3388)  
*11/13/00*

Directs the Secretary of Agriculture, in consultation with officials of other agencies, to administer the Lake Tahoe Basin Management Unit and oversee Federal land located around the lake. Requires the Secretary to develop a priority list of potential or proposed environmental restoration projects pertaining to air quality, fisheries, noise, soil conservation and other environmental issues, and monitor the projects as they are developed. Authorizes \$20 million a year for 10 years for implementation of projects on the priority list. Requires the Secretary to pay \$1 million to the Tahoe Regional Planning Agency and the South Tahoe Public Utility District to develop a plan for cleaning up hydrocarbon contamination and pollution. Authorizes \$10 million annually in payments to local governments that participate in the programs.

*PL 106-541*      **Water Resources Development Act of 2000** (S. 2796)  
*12/11/00*

Authorizes the Administration's **Comprehensive Everglades Restoration Plan** as the framework for modifications and operational changes to the Central and Southern Florida project. Authorizes 4 pilot projects; 10 initial projects subject to Congressional authorizing committees' approval of project implementation reports for funding; an adaptive assessment and monitoring program; and a programmatic authority for smaller projects. Establishes that project implementation and O&M costs are to be cost shared 50/50. Sets forth criteria and guidance for credits for non-Fed efforts, public outreach and participation. Authorizes 2 projects for which Chief of Engineers reports have been completed and 27 new projects subject to a final favorable Chief's report by December 31, 2000, and one project per a specified District Commander's report.

Directs the Secretary to study and/or implement 125 projects under various continuing authority/small project programs.

Increases authority for the Secretary to assess water resources needs on **basin or watershed** basis on a 50/50 cost share basis and identifies 5 priority basins.

Establishes a **Tribal Partnership** program under which the Secretary may provide study assistance to Indian tribes in cooperation with the Secretary of Interior.

Amends section 103(m) of WRDA 86 to expand applicability to **Ability to Pay** to essentially all water resources projects.

Provides clear authority for **reburial of Native American remains** on Army Civil Works property and conveyance of such property to Indian tribes for cemeteries.

Sets new detailed criteria and requirements to be addressed before Corps can perform specialized or technical services for non-DOD Federal, State and local governments, including reporting requirements.

Directs the Secretary to contract with the **National Academy of Sciences** for studies to review need for independent review of feasibility studies and a comparative evaluation of state-of-the-art and current methods used for project analysis of each type of water resources project, provide reports in one year.

Directs the Secretary to establish procedures to enhance **public participation** in each feasibility study, including establishment of stakeholder advisory group, if appropriate.

Directs the Secretary to conduct a monitoring program of economic and environmental results of up to 5 projects for a period of not less than 12 years and report every 3 years.

Amends section 906(d) WRDA 86 on **design of mitigation projects** to reflect contemporary science.

Directs Comptroller General to conduct investigation of the effectiveness of concurrent mitigation requirements of section 906 and report in 1 year.

Amends section 105(a) WRDA 86 to strike **limitation on in-kind service credits** toward non-Federal share of cost of a feasibility study.

Authorizes new/expansion of 14 programs for water quality protection, natural resources enhancement and ecosystem/environmental restoration, including **Ohio River Mainstem Ecosystem Restoration**, KY, IL, IN, OH, PA and WV; **Great Lakes Fishery and Ecosystem Restoration**; **New England Water Resources and Ecosystem Restoration**; **Illinois River Basin Restoration**; **Puget Sound and Adjacent Waters**, WA; and **Lower Columbia River and Tillamook Bay Ecosystem Restoration**, WA and OR.

Modifies or provides direction on undertaking measures related to over 90 projects, including a number of provisions authorizing credits for non-Federal activities.

Authorizes, modifies or directs over 50 other project or location specific studies and 6 regional studies. Regional studies include **Lower Mississippi Resources Assessment**, **Upper Mississippi River Basin Sediment and Nutrient Study**, **Upper Mississippi River Comprehensive Plan** (makes completion date subject to appropriations), **Arkansas River Navigation Study** (12 foot depth), **Delaware River Watershed**, and **Merrimack River Basin**, MA & NH.

Section 540 (**Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and South Dakota** terrestrial wildlife habitat restoration amendments), Title VII (**Missouri River Restoration, North Dakota**), Title VIII (**Wildlife Refuge Enhancement at Fort Peck Dam and Reservoir**), and Title IX (**Missouri River Restoration, South Dakota**) focus on lands, resources, sediment impacts and other issues along the Missouri River.

*PL 106-554*      **Consolidated Appropriations Act, 2001** (H.R. 5666, Miscellaneous Appropriations,  
*12/21/00*      incorporated by reference in H.R. 4577)

Modifies project for flood control, **Saint Francis River Basin, MO and AR**, to expand the boundaries of the project to include Ten- and Fifteen-Mile Bayous near West Memphis, AR.

Directs the Secretary to enter into an agreement to permit the **City of Alton, IL**, to construct authorized recreational facilities and to reimburse the City for the Federal share of these cost-shared facilities as usable segments are completed.

Modifies project for navigation, **Tampa Harbor, FL**, to authorize the Secretary to deepen and widen the Alafia Channel in accordance with the plans described in the Draft Feasibility Report, Alafia River, Tampa Harbor, FL, dated May 2000.

Expands the list of environmental infrastructure technical, planning, and design assistance projects authorized under Section 219(c) of WRDA 92 to include 22 additional projects; increases the authorized

appropriation for technical, planning, and design assistance to \$30 million; increases the authorized appropriation for construction assistance on six previously authorized projects; expands the list of environmental infrastructure technical, planning, design, and construction assistance projects authorized under Section 219(f) of WRDA 92 to include 26 additional projects.

Authorizes the Secretary to provide technical and financial assistance to carry out cost shared projects for the planning, design, and construction of treatment works to improve water quality in the **Florida Keys National Marine Sanctuary**.

Directs the Secretary to administer a **San Gabriel Basin Restoration Fund**; to design and construct water quality projects to be administered by the San Gabriel Basin Water Quality Authority; to design and construct the Central Basin Water Quality Project to be administered by the Central Basin Municipal Water District; to operate and maintain projects constructed under this authority for such period as the Secretary determines, but not to exceed 10 years, following the initial date of operation of the project.

Authorizes the Secretary to participate in studies and the planning and design of projects that offer a long-term solution to the problem of **groundwater pollution caused by perchlorates**. Authorizes the Secretary to participate in perchlorate remediation investigations and projects in the **Bosque and Leon River, TX** watersheds to assess the impact of the perchlorate associated with the former Naval "Weapons Industrial Reserve Plant" at McGregor, TX; in **Caddo Lake, TX**; and in **Santa Clarita, CA**.

Authorizes the construction of fish passage facilities at **New Savannah Bluff Lock and Dam, GA and SC**. Provides for the extinguishment of reversionary interests and use restrictions at the **Port of Umatilla, OR**, on the John Day Pool.

Repeals the **Murrieta Creek, CA**, flood damage reduction and ecosystem restoration project construction authority provided in sec. 101(b)(6) of WRDA 2000.

Directs the Secretary to reimburse the East Bay Municipal Water District for the Federal share of costs incurred by the district for the **Penn Mine, CA**, aquatic ecosystem restoration project.

Authorizes the Secretary to construct intake facilities at **Greers Ferry Lake, AR**, for the benefit of Lonoke and White Counties, AR.

Authorizes the Secretary to provide the non-Federal sponsor of the project for flood control, **Chehalis River and Tributaries at Centralia, WA**, credit toward the non-Federal share of the cost of the project for work carried out by the non-Federal sponsor before the date of enactment of a project cooperation agreement.

Authorizes the Secretary to establish a pilot program to provide **environmental assistance in northern Wisconsin** counties of Douglas, Ashland, Bayfield, and Iron.

Authorizes and directs the Secretary to use \$2,000,000 of appropriated funds to initiate design and construction of the **Hawaii Water Management Project**, including Waiahole Ditch on Oahu, Kau Ditch on Maui, Pioneer Mill Ditch on Hawaii, and the complex system on the west side of Kauai